

Memorandum

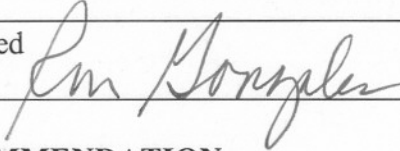
TO: City Council

FROM: Mayor Ron Gonzales

SUBJECT: Censure Consequences

DATE: December 16, 2004

Approved



Date

12/16/04

RECOMMENDATION

Dependent on the City Council voting for censure at our hearing on Friday, December 17, 2004, I recommend that the City Council:

- Direct the City Manager and City Clerk to not allow any expenditures or reimbursements for travel by Councilmember Gregory.

In addition, I want to inform the City Council that my January recommendations regarding Council committee assignments would limit Councilmember Gregory's assignments for committees, board and commission liaisons, and regional representation.

DISCUSSION

It is essential that the City of San José is represented both in the community and in other relationships with integrity and the public's full confidence. There is no specific penalty associated with censure, but there are other consequences that reflect our serious concern about maintaining the high standards of personal and professional conduct that we all expect of our elected officials.

For this reason, as Mayor I will take the following additional steps pending the outcome of the Council's censure hearing concerning Councilmember Gregory. If the Council acts to censure, then:

- In January, when bringing forward my committee assignment recommendations to you, I will recommend that Councilmember Gregory not be assigned to any Council standing committees, not serve as a Council liaison to any City boards or commissions, and not represent the City in intergovernmental organizations, activities or regional bodies until further notice.

- In addition, I ask my colleagues to approve my recommendation that Councilmember Gregory no longer be allowed to use City funds from any source for travel until further notice.

I make these recommendations about appropriate additional sanctions after thoughtful deliberation, keeping the people of District 7 foremost in my thoughts. These two steps are designed to penalize Councilmember Gregory as an individual for a pattern of behavior, without having a negative impact on District 7 residents.

The possibility of censure and its consequences also represent an opportunity for both the City Council and Councilmember Gregory. The Council is reinforcing our high standards and clearly articulating our expectations so that we can continue to hold the public's trust. The investigations, public deliberations, and our thoughtful consideration of these matters go a long way to accomplish this goal.

At the same time, Councilmember Gregory has an obligation and an opportunity to join us in this effort. As part of the path he must follow to earn back the trust of his colleagues and the public, we again urge him to come forward and provide information and explanations in response to the findings of violations, and take personal responsibility for his conduct.

BACKGROUND

Last week the Council received the Moye report regarding violations of City ordinances and policies by Councilmember Gregory submitted by the law firm of Hanson Bridgett. The Moye report found evidence of several violations of the Municipal Code regulating the acceptance of gifts by elected officials and the acceptance and reporting of campaign contributions.

Based on this report, Councilmember Yeager and I requested a special council meeting to be held on Friday, December 17, to review the findings. On Monday this week the Blue Ribbon Task Force also formally requested a censure hearing regarding Councilmember Gregory to be held at this special meeting under Council Policy 0-28, the "Council Conduct Policy." City Council action to censure Councilmember Terry Gregory represents the most formal and serious expression of the Council's deep disapproval of a colleague's conduct.

Over the past several months the City Council has been dealing with the series of allegations and rumors regarding the possibility of improper conduct of Councilmember Gregory. Because it is critically important that we base Council actions on facts rather than on rumors and allegations, the City has taken these steps in response these concerns:

- The City Council has reviewed and updated its censure policy with the assistance of the Blue Ribbon Task Force on Ethics and Lobbying.